

## **ZONING BOARD OF APPEALS**

**April 6, 2011**

A regularly scheduled meeting of the Zoning Board of Appeals of the Town of Trumbull was held in the Council Chambers of the Trumbull Town Hall on Wednesday, April 6, 2011.

Members Present: Michael Muir, Chairman  
David Preusch, Richard Puskar, Carl Scarpelli and alternates  
William Malmstedt, Richard Mayo and Dennis Miko

The following is a brief summary of the meeting. A complete record is on tape, on file, in the office of the Zoning Board of Appeals.

A quorum being present the Chairman called the meeting to order at 7:35 p.m.

### **PUBLIC HEARING**

Application #11-04 – Jeff Hallquist, Agent for Polly Rae, 44 Woodlawn Drive

Variance of Art. III, Sec. I with respect to expanding an existing non-conformity to construct a 34'x17.2' one-story addition (existing deck to be removed) 15.2' from the N/S property line at its closest point.

Jeff Hallquist conducted the presentation. Architectural plans were distributed and reviewed. The submitted plans showed construction of a kitchen and family room along the full length of the rear of the house. Upon inquiry, Mr. Hallquist indicated that both side lines would be maintained with the exception of a 1' protrusion on the north side for a proposed gas fireplace. The existence of an extensive backyard was noted. Mr. Hallquist informed that the lot was a pre-existing non-conforming parcel.

#### **Public Comment**

The homeowner, Polly Rae, addressed the Board regarding her application and asked that the Commission act favorably on her proposal.

Application #11-05 – John and Lara Walden, 104 West Lake Road

Variance of Art. III, Sec. 1 with respect to insufficient yard requirements to construct a 14'x30.75' two-story addition 10' from the N/S property line.

The applicants John and Lara Walden presented the application. The submitted plans indicated a scaled back version of a previous proposal denied by this Board in January. A floor plan of the proposed construction, along with an exterior rendering, was submitted for the record. The addition included a garage and family room, with two

bedrooms on the second floor. Upon inquiry, Mr. Walden indicated that the existing roofline would be maintained.

Application #11-06 – Mario Paniccia, Agent for Corey Weibel, 152 Chestnut Hill Road

Variance of Art. III, Sec. 1 with respect to insufficient yard requirements to construct a 4.2'x13' extension to an existing kitchen 37.2' from the rear property line at its closest point and increase existing W/S non-conformity by raising the roofline an additional 11.1'.

Attorney Dominic Paniccia and the project architect, Mario Paniccia, came forward representing the homeowner, Corey Weibel. Receipts of the certified notifications to abutting property owners were submitted into the record.

The applicant's representative informed that the subject parcel was subdivided prior to the establishment of zoning regulations and the odd shaped lot creates a hardship for meeting setback requirements. The finished height of the new roof line was indicated at 31.8' to the ridge meeting the zoning requirements regarding height. The existing kitchen will be enlarged off the back of the house and extend out an additional 4.1.5'.

Application #11-03 – Emilio Ferri, Lots 44 and 45 Sycamore Street

Variance of Art. III, Sec. 1 with respect to insufficient lot area (18,199 sq. ft.) and insufficient minimum yard requirements to construct a 63'x28.5' dwelling 2.5' from the front property line and 5.4' from the S/S property line at its closest point.

Attorney Raymond Rizio conducted the presentation on behalf of the applicant. Mr. Rizio began with a brief history of property. The two pre-existing lots have been combined to provide a total area of .42 of an acre. Mr. Rizio stressed that there was no impact to any surrounding property and that the proposed construction was consistent with the neighborhood.

The following items pertaining to this parcel were submitted into the record: A copy of real estate tax bills issued by the Trumbull Tax Collector and the Long Hill Fire District to Mr. Ferri; a copy of the property appraisal; photographs of the site area; copies of three case laws addressing wetlands as a hardship when impacting the ability to build on a property.

The requested waivers are driven by a wetlands and topography issue. A good portion of the property has been identified as wetlands. Through a court settlement between Mr. Ferri and the Inland Wetlands and Watercourses Commission an approval was granted to construct the proposed dwelling at this location. Upon inquiry, Mr. Rizio indicated that the home would be approximately 2,600 sq. ft. in size and well buffered. As a condition of wetland approval, a split rail fence needs to be installed ten feet from the wetland line and a ten foot buffer is required between fence and the house. Attorney Rizio maintained that the conditions imposed to the wetland approval make this the possible location for

the proposed construction. Mr. Rizio also commented that the 2.5' front setback was not so significant, as the majority of the front yard does not front the roadway, as Sycamore Street terminates at the proposed driveway.

Comments from the Commission centered on traffic and safety concerns due to the dwelling's close proximity to the roadway. It was noted that a significant amount of debris has been dumped on the property.

The applicant, Emilio Ferri, 50 Hickory Street, responded that he has tried to keep up with the clean-up but it's beyond his control that outside sources are dumping there. He added that once the lots are developed the problem should be rectified.

#### Public Comment

Attorney Joel Green spoke in opposition on behalf of the following neighboring property owners. Denice Fogel, 42 Linden Avenue; Steve O'Connell, 4291 Madison Avenue; Derek Hayes, 48 Linden Avenue; Michael Noe, 15 Camelot Drive; Rick Bushnell, 19 Camelot Drive. Mr. Green commented that the application violates the regulations and violates common sense. He then presented the following items for the record: Zoning standards pertaining to setback requirements; copy of the deed to the property indicating date of purchase and a copy of the ZBA approval for the adjacent lots 43 and 42. Attorney Green contended that the size of the dwelling does not conform to the neighborhood and the application has not met the standards, which define a hardship. He added further that Mr. Ferri bought this lot knowing that there was not a significant building area available.

Denice Fogel of 42 Linden Avenue confirmed that she has witnessed the dumping of debris on this property.

This concluded the Public Hearing.

#### **Regular Meeting**

Tonight's applications were considered and the Commission took action, as follows.

Application #11-04 – Jeff Hallquist, Agent for Polly Rae, 44 Woodlawn Drive

MOTION MADE (Puskar), seconded (Miko) and unanimously carried (Muir, Miko, Preusch, Puskar, Scarpelli) to approve Application #11-05, as presented and plans submitted.

Application #11-05 – John and Lara Walden, 104 West Lake Road

Members of the Commission commented on the applicant's effort to address the concerns of this Board regarding their previous application. It was agreed that the current application was a reasonable alternative for this narrow lot.

MOTION MADE (Scarpelli), seconded (Puskar) and unanimously carried (Muir, Miko, Preusch, Puskar, Scarpelli) to approve Application #11-05, as presented and plans submitted.

Application #11-06 – Mario Paniccia, Agent for Corey Weibel, 152 Chestnut Hill Road.

There was agreement that the proposal would improve the appearance of the existing dwelling. The odd shape of the lot was also noted.

MOTION MADE (Puskar), seconded (Scarpelli), and unanimously carried (Muir, Miko, Preusch, Puskar, Scarpelli) to approve Application #11-06, as presented and plans submitted.

Application #11-03 – Emilio Ferri, Lots 44 and 45 Sycamore Street

MOTION MADE (Puskar), seconded (Scarpelli) to approve Application #11-03.

Vote: In Favor: 0 – Opposed: 5 (Muir, Miko, Preusch, Puskar, Scarpelli).

Application #11-03 Unanimously Denied

The Commission determined that the proposal, as presented, was inconsistent with the Town's zoning regulations and master plan. There are safety concerns present with a dwelling constructed so close to the road and the proposed design was not in harmony with the neighborhood.

The following alternatives should be explored: The construction of a smaller home that would maintain the side yard setback and locating the house further to the rear, possibly up to the split rail fence, to gain a 15' setback from the front property line.

There being no further business to discuss a motion was made by Commissioner Puskar and seconded by Commissioner Scarpelli to adjourn. The April 6, 2011 meeting of the Zoning Board of Appeals adjourned at 10:00 p.m. with unanimous consent.

Respectfully submitted,

Helen Granskog  
Clerk of the Zoning Board of Appeals

